

the companies are being governed in their reports to this office of the average market value, by such ruling and the State is losing, approximately from twenty-five cents to sixty cents per barrel on oil produced in this State which is being paid as a bonus or premium above the posted market price.

Answering your further inquiry regarding the amount of money received from wholesale dealers in the products of crude petroleum, I have to advise that since the opinion of the Attorney General, rendered to this office, that producing oil companies refining their own products or buying crude petroleum and refining same and selling all of such products to be sold again are not subject to the tax levied on the products of crude petroleum and the receipts of the State from such source are practically stopped, the greater part of wholesale dealers becoming merely agents of the refineries.

In view of the fact that the value of the crude oil produced in Texas from October 1st, 1921, to September 30th, 1922, aggregated \$177,000,000.00 and ninety per cent of such crude petroleum being refined in this State which refined products are, at least, to be valued at two or three times the value of the crude production, and the State receives practically no tax under the law levying a two per cent upon the products of crude petroleum.

Answering your further inquiry, I have to advise that as this office has but one traveling gross receipt auditor it is absolutely impossible for this one man to visit every producing field in the State and audit the books of the thousands of oil producers, a large portion of which producers have their offices outside of the State.

Trusting that this information will be of use to you and with personal regards, I am,

Very truly yours,

LON A. SMITH, Comptroller.

TWENTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, February 14, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Dudley. Floyd.

Prayer by Rev. George Green, pastor First Baptist Church of Austin.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Bills and Resolutions.

By Senator Davis:

S. B. No. 328, A bill to be entitled "An Act to fix the salaries of the judge of the County Court of Dallas County at Law No. 1 and of the County Court of Dallas County at Law No. 2, and prescribe the method and source of payment, to repeal all laws in conflict herewith and to declare an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Burkett:

S. B. No. 329, A bill to be entitled "An Act to amend Sections 20 and 21 of Chapter 207 of the General Laws of the Thirty-fifth Legislature, fixing the rate of speed for automobiles upon public highways, etc., and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Bledsoe:

S. B. No. 330, A bill to be entitled "An Act amending Section One of Chapter 46, Acts of the Third Called Session of the Thirty-sixth Legisla-

ture, fixing the fees to be paid to the State and the State Board of Water Engineers upon the filing of applications for permits for the storage, diversion and use of water, fixing maximum fees in the sum of fifteen hundred dollars, declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Burkett:

S. B. No. 331, A bill to be entitled "An Act to repeal Section 6 of Chapter 38, General Laws passed at the Regular Session of the Thirty-sixth Legislature, authorizing the Supreme Court to exempt graduates of approved law schools from the necessity of taking examinations as to pre-legal or legal studies and attainments for license to practice law in this State, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Ridgeway:

S. B. No. 332, A bill to be entitled "An Act amending Article 7583 Chapter 12, Title 126, of the Revised Statutes of the State of Texas of 1911, relating to assessment of property for taxation and the compensation to be paid assessors for making assessments.

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Watts:

S. B. No. 333, A bill to be entitled "An Act providing that in all cases where any bond is now or may hereafter be required to be given or executed by the State Treasurer, or any of his clerks or deputies, or by any county or city depository, or by any State, county or city tax collector, or by their clerks or deputies, or any other employes of the State, or any county or city therein, that said bond shall be conditioned as now provided by law and shall be executed by some surety or bonding company authorized to do business in this State and that the cost of such bond shall be paid by the State, county or city of which such officer is an employee, and in addition to the salary of such officer; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 334, A bill to be entitled "An Act providing the requirements of a plea of privilege to be sued in the county of one's residence; what shall constitute prima facie proof of such right; providing for the filing of a controverting plea by the plaintiff; providing for notice of the filing of such plea of privilege and of the controverting affidavit of the defendant, and of hearing thereon and providing for appeal; amending Article 1903 of the Revised Civil Statutes, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

S. B. No. 268—Recommitted.

On motion of Senator Bailey, S. B. No. 268 was recommitted to the Committee on Civil Jurisprudence.

Senate Concurrent Resolution No. 15.

By Senator Holbrook:

Be it resolved by the Senate, the House of Representatives concurring, That the Governor be requested to return to the Senate S. B. No. 52 for correction and further consideration.

The resolution was read and adopted.

Special Committee Appointment.

To the Senate and House of Representatives of the State of Texas:

In compliance with House Concurrent Resolution No. 8, requiring the Speaker and President of the Senate to appoint two business men and one woman to be members of a joint committee on the question of re-establishment and relocation of the State Penitentiary and the prison policy of the State, we do now appoint as members of said committee the following persons:

Dr. E. B. Blalock, Woodlawn, Texas.

Lee Simmons, Sherman, Texas.

Mrs. W. C. Martin, Dallas, Texas.

R. E. SEAGLER,

Speaker of the House of Representatives.

T. W. DAVIDSON,

Lieutenant Governor, President of the Senate.

H. B. No. 4 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading, H. B. No. 4, A bill to be entitled "An Act to establish and maintain a horticultural and agricultural experiment station in the citrus belt of Cameron or Hidalgo county, Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said Board to establish and maintain the same; to accept donations of lands, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station, and for the operation of the same, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 4 on Third Reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 4 was put upon its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Holbrook.	Wirtz.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Witt.

Absent—Excused.

Dudley. Floyd.

The Chair then laid H. B. No. 4 before the Senate on its third reading and final passage.

The bill was read third time and passed.

35—Senate

H. B. No. 11 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 11, A bill to be entitled "An Act to amend Article 151, Title 10, of the Revised Statutes of the State of Texas, relating to the writ for the apprehension of the persons who are lunatics or non compos mentis and their detention; prohibiting the incarceration of such persons in county jails in counties where city or county hospitals exist; providing that they shall be detained in such county or city hospitals, and declaring an emergency."

The bill was read second time and on motion of Senator Murphy was laid on the table subject to call.

Senator Murphy called up H. B. No. 11 from the table, and offered the following amendment to the bill:

Amend House Bill No. 11, page 2, line 3, by striking out commencing with the word "provided" and ending at the end of line 8, page 2, the word "county" and insert in lieu thereof the following: "Provided, however, that where any person, who is a lunatic or non compos mentis, shall be apprehended under either of said warrants, such person shall not be incarcerated in any jail if there is a county or city hospital in the county where such warrant is issued, but such person shall be placed in either said county or city hospital and there detained until the designated time and place for trial and examination and commitment to the State Asylum. In the event there is no county hospital, but where there is a city hospital in such county, the county shall pay the city for the keep of such persons."

The amendment was adopted.

H. B. No. 11 was passed to third reading.

H. B. No. 14 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 14, A bill to be entitled "An Act to amend Section 1 of Article 7355, Title 126, Revised Civil Statutes of Texas (1911), and also by adding thereto Section 1½, relating to occupation taxes on itinerant merchants, or persons, firms, companies or association of persons temporarily engaging in the mercantile business, fixing penalty, and declaring an emergency."

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Amend printed H. B. No. 14, page 2, line 7, by striking out the word "two" and inserting in lieu thereof the word "one."

The amendment was adopted.

Senator Davis offered the following amendment to the bill:

Amend printed H. B. No. 14, page 2, line 15, by inserting after the word "bankruptcy" the following: "or deed of trust under the State law."

The amendment was adopted.

H. B. No. 14 failed on passage to third reading.

H. B. No. 15 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 15, A bill to be entitled "An Act to repeal Chapter 118, of the Special and Local Laws of the Regular Session of the Thirty-third Legislature, as amended by Chapter 45 of the Special and Local Laws of the Second Called Session of the Thirty-sixth Legislature, authorizing and empowering Falls county or a political subdivision thereof to vote bonds for the purpose of constructing permanent roads; providing that nothing in this Act shall affect pending litigation under said law; authorizing Falls county, Texas, or any political subdivision, or defined district thereof to issue road bonds under the provisions of the General Law; validating bond elections heretofore held in certain defined road districts within said county; and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 57 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

H. B. No. 57, A bill to be entitled "An Act creating the Ponder Independent School District in Denton County, Texas, defining its metes and bounds; providing for a board of trustees thereof; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws of the State of Texas, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 57 on Third Reading.

On motion of Senator Rice the constitutional rule requiring bills to be read on three several days in each House, was suspended, and H. B. No. 57 was put on its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Dudley. Floyd.

The Chair then laid H. B. No. 57 before the Senate on its third reading and final passage.

The bill was read the third time, and passed by the following vote:

Yeas—29.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Dudley. Floyd.

(Senator Cousins in the Chair.)

H. B. No. 62 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

H. B. No. 62, A bill to be entitled "An Act amending Section 7 of Article 30 of the Revised Civil Statutes of Texas of 1911, as amended by Sections 3, 8 and 9 of the Acts of the Thirty-fifth Legislature, providing for the changing and fixing the times of holding the courts in the Seventh Judicial District of Texas, and validating and continuing all processes and writs, bonds, recognizances and jurors heretofore selected, etc., returnable to the terms of court as they now exist, and continuing in session the district court which may now be in session, until its term expires by law, and declaring an emergency."

The bill was read second time, and it was passed to third reading.

H. B. No. 62 on Third Reading.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days in each house was suspended, and H. B. No. 62 was put upon its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Dudley. Floyd.

The Chair then laid H. B. No. 62 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Dudley. Floyd.

(Lieutenant Governor Davidson in the Chair.)

H. B. No. 98 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 98, A bill to be entitled "An Act to amend Title 17, Chapter 11, of the Penal Code of the State of Texas, by adding thereto Article 1355-A, relating to theft of chickens, turkeys, guineas, geese, peafowls and pigeons, so as to fix the punishment therefor at confinement in the penitentiary for not less than one nor more than five years."

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Amend caption to H. B. No. 98 by inserting after the word "confinement" in line 20, page 1, the following: "in the county jail not to exceed six months or."

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend H. B. No. 98, page 1, line 29, by adding the following after the word jail, "and to labor on county roads."

The amendment was adopted.

Senator Davis offered the following amendment to the bill:

Amend caption to H. B. No. 98 by striking out the words "for not less than one nor more than five" and line 21, page 1, and insert in lieu thereof the following: "not to exceed two years."

The amendment was adopted.

Senator Doyle offered the following amendment to the bill:

Amend H. B. No. 98 so that counties not wanting this law may be exempt from its provisions.

On motion of Senator Pollard, the amendment was tabled.

Senator Fairchild moved that the bill lay on the table subject to call, and the motion was lost.

(Senator Clark in the Chair).

Senator Davis offered the following amendment to the bill:

Amend the caption to House Bill No. 98 as amended by adding after the words "county jail" the following: "and to labor on county roads."

The amendment was adopted.

H. B. No. 98 was passed to third reading.

H. B. No. 101 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 101, A bill to be entitled "An Act to repeal Sections 14, 16 and 17 of Chapter 111, Local and Special Laws, passed at the Regular Session of the Thirty-fifth Legislature, said Act being an Act amending Cass county road law passed by the Thirty-third Legislature at its Regular Session, 1913; and authorizing Cass county, Texas, or any political subdivision or defined district thereof, to issue road bonds under the provisions of the General Law; validating bond elections heretofore held in Road District No. 16, a defined district in said county, and declaring an emergency."

The bill was read second time, and on motion of Senator Turner, was laid on the table subject to call.

H. B. No. 110 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 110, A bill to be entitled "An Act to establish reciprocity between insurance companies organized under the laws of the State of Texas and those of other States or foreign countries, imposing on such foreign insurance companies and their agents the same requirements, conditions and the payment of such sums of money, whether as taxes, license fees, fines, penalties or deposits of securities as may be required by the home State of such for-

eign insurance company or companies, of companies organized in this State or the agents thereof, and empowering the Commissioner of Insurance and Banking to refuse or cancel permits of foreign insurance companies where permits of Texas companies would be refused or canceled in such foreign State or territory, and declaring an emergency."

The bill was read second time.

Senator Cousins moved to adopt the committee report carrying the following amendments:

Amend House Bill No. 110, as follows:

In line 27 strike out words "may be" and insert in lieu thereof the word "are."

In line 28 insert after the word "State" the words "doing business" so as to make it read "companies of this State doing business in such other State of foreign country, or".

Add to Section 1 of the bill the following:

"The word laws of a foreign country used herein as applied to companies shall be held to mean the laws of the State in which their deposit is made and in which their principal office is maintained."

Add to Section 1 of the bill the following:

"The provisions hereof as to requirements, regulations, inhibitions, and prohibitions shall not be deemed or held to apply to the requirements of such other State in the matter of capital stock."

Add to Section 1 of the bill the following:

"In applying the terms hereof to any company embraced herein, the terms, taxes, license fees, and penalties shall be held to mean revenue exacted for support of the State government, by which ever name called. If these in the aggregate exceed those exacted by Texas from a like company of such other State under similar circumstances and conditions, Texas shall exact from the similar company of such other State a sum equal to the amount or at the rate imposed by such other State on similar companies of Texas."

The motion prevailed.

H. B. No. 110 was passed to third reading.

H. B. No. 170 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 170, A bill to be entitled "An Act to abolish the Higgins Independent School District, created under the General Laws of the State of Texas, and to incorporate the Higgins Independent School District to be within certain boundaries at and surrounding the town of Higgins, in Lipscomb county, with all powers, rights and privileges of independent school districts; to elect trustees, issue bonds, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 182 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 182, A bill to be entitled "An Act authorizing and directing the administrative or governing authorities of the public educational institutions of this State to except and exempt from the payment of all dues, fees, and charges except for board and clothing of all citizens of Texas who served as nurses or in the armed forces of the United States during the late war, and giving said citizens a preferential right to be admitted to the benefits of said institutions, and declaring an emergency."

The bill was read second time and was passed to third reading.

H. B. No. 185 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 185, A bill to be entitled "An Act to provide for the printing of all proclamations and legal notices, or other advertising matter, by the different institutions of the State, districts, counties and sub-divisions thereof, and providing for maximum fees to be charged for said publications, and directing the manner of payment therefor, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator McMillin raised the point of order that the bill had not been printed.

The Chair sustained the point of order.

On motion of Senator Davis, by unanimous consent, the committee report that the bill be not printed was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend H. B. No. 185 by adding after Section 3, a new section, 3a, to read as follows:

All political advertising shall be done at the same rate as legal notices, and under the same supervision and regulations, and political advertising shall include the announcements for public office.

The amendment was adopted.

Question: Shall H. B. No. 185 be passed to third reading?

Recess.

On motion of Senator Bailey, the Senate at 12:05 p. m. recessed until 2:30 p. m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

S. R. No. 62.

By Senator McMillin:

Whereas, It is always desirable that the Senate have the greatest amount of information obtainable for the purpose of passing upon questions submitted to it; and,

Whereas, Possibly it will have to pass upon the merits of H. B. No. 328, relating to tax on sulphur; and,

Whereas, It has come to the knowledge of the Senate that much valuable information is contained in the petition and answers in a lawsuit in Brazoria County, wherein the American Sulphur Royalty Company is plaintiff and the Freeport Sulphur Company is the defendant; therefore, be it

Resolved, That the Clerk of the Senate be, and is hereby directed, to secure from the district clerk of said Brazoria County certified copies of the petition and answers of the American Sulphur Royalty Company vs. Freeport Sulphur Company, same being No. 16005 on the docket of the district court of Brazoria County and

that the cost of obtaining said certified copies be paid out of the contingent fund of the Senate.

The resolution was read and adopted.

H. B. No. 185 on Passage to Third Reading.

The Senate resumed consideration of H. B. No. 185, relating to publication of legal notices, on its passage to third reading, the same having been under consideration at the time the Senate recessed this morning.

Yeas and nays were demanded, and the bill was passed to third reading by the following vote:

Yeas—20.

Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Parr.	Wood.
Pollard.	Woods.

Nays—7.

Baugh.	McMillin.
Bledsoe.	Rice.
Bowers.	Turner.
Lewis.	

Absent.

Bailey.

Absent—Excused.

Dudley.

(Pair Recorded.)

Senator Murphy (present), who would vote nay; with Senator Floyd (absent), who would vote yea.

S. B. No. 57—Vote Reconsidered.

Senator Murphy moved to reconsider the vote by which the Senate on yesterday adopted the minority report which recommended that S. B. No. 57 do not pass, and to spread that motion on the Journal.

The motion prevailed.

H. B. No. 182—Vote Reconsidered.

On motion of Senator Baugh, the vote by which H. B. No. 182 was passed to third reading was reconsidered.

On motion of Senator Baugh, the bill was laid on the table subject to call.

S. B. No. 62—Free Conference Committee Requested.

Senator Wood called up S. B. No. 62 and moved that the Senate concur in the following House amendments:

Amend S. B. No. 42 by inserting after the word "leavening" in line 23, page 1, of the bill, add the following "and all others."

Senator Bledsoe moved that the Senate do not concur in the House amendments but that the House be requested to grant a free conference committee to consider the differences between the two houses.

The motion prevailed.

H. B. No. 235 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 235, A bill to be entitled "An Act to amend Chapter 35, Acts of the First Called Session of the Thirty-seventh Legislature, being an Act creating the Sudan Independent School District in the County of Lamb, State of Texas, by amending Section 1 thereof so as to more accurately define its boundaries, and by adding Section 12a thereto, providing for the validation of certain bond issues, bond and maintenance taxes, and the election and acts of officers of said district, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 236 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 236, A bill to be entitled "An Act creating the Sour Lake Independent School District; defining its boundaries, including the present Sour Lake Independent School District; providing for a board of trustees, and the manner of their election; vesting title to all school prop-

erty within said district in the board of trustees, and their successors in office; charging said district with the payment of all indebtedness of any and every nature whatsoever, and the performance of all contracts of the schools that are included within said district; providing that the board of trustees hereof elected and now serving for the Sour Lake Independent School District, as now existing, shall continue in office for the district hereby created until the expiration of their terms of office and until their successors shall have been elected and qualified; authorizing the trustees to exercise all the rights and powers conferred by the General Laws upon trustees of independent school districts created for school purposes under the General Laws, and in addition thereto certain plenary powers; providing for the annexation of adjacent territory thereto; validating and continuing in force the maintenance tax heretofore voted by the voters in every territory included within the district hereby created until the voters in said district increase, diminish or abolish such taxes in accordance with the General Laws; vesting authority in the board of trustees to issue bonds for the purpose of purchasing school building sites or additional sites to the present sites, and creating, altering or repairing, furnishing and equipping school buildings within said district; empowering the trustees to levy taxes therefor, and to pay current expenses for the support and maintenance of the schools; providing said district shall remain chargeable with its pro rata part of any outstanding bonded indebtedness heretofore voted by the Batson Independent School District in Hardin County, Texas, on any other school district whose territory is by this Act encroached upon; providing that if any part of the Act shall not be invalidated or vitiated; providing for the repeal of all laws and parts of laws in conflict herewith; declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 251 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 251, A bill to be entitled "An Act creating and incorporating the Meadow Independent School District, in Terry, county, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for a collector and assessor of taxes and a board of equalization; providing that said Meadow Independent School District shall assume and discharge any bonds and indebtedness that may be valid and binding obligations of the common school district, including all or a part of the territory embraced within the boundaries of the independent district as created by this Act; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district, and providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provision of this Act, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 276 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 276, A bill to be entitled "An Act creating and incorporating the Key Independent School District in Dawson county, Texas, out of territory now known as Key Common School District in said county; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties, and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes; and to issue bonds; providing for an assessor and collector of taxes, and a board of equalization; providing that said Key Independent

School District shall assume and discharge any and all bonds and indebtedness constituting valid and binding obligations of Key Common School District No. 15; validating and continuing in force any and all bond and maintenance tax heretofore voted and now in force in said common school district; validating the certain bond issue voted by Key Common School District No. 15; providing that title to any and all property of such common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions hereof, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 330 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 330, A bill to be entitled "An Act creating the Schwertner Independent School District in the county of Williamson, State of Texas; defining its boundaries, providing for a board of trustees to control and manage the schools of the said district, divesting Common School District No. 48 of Williamson county, Texas, of the control of the free schools of the said district, and of the title, management and control of all property held, owned and controlled for public free school purposes therein and vesting the same in the said Schwertner Independent School District, and in the board of trustees thereof; providing for the assessing and collecting of taxes; providing for the issuance of bonds; providing for the election of officers for the said school district; providing for the election of assessor and collector for said school district; providing for the erection of buildings and equipping same for school purposes, and assuming the payment of the outstanding bonded indebtedness of Common School

District No. 48 of Williamson county, Texas, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 337 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 337, A bill to be entitled "An Act creating the Village Mills Independent School District of Hardin county, Texas, defining its boundaries, providing for a board of trustees to manage and control the public free schools within said district, and investing the said district with the rights, powers, authority, jurisdiction, privileges and duties of a town or village incorporated for free school purposes only under the General Laws, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 341 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 341, A bill to be entitled "An Act to create the Deets Independent School District in Kimble and Edwards counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 395 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 395, A bill to be entitled "An Act providing more, efficient

road laws for Bexar County, conferring on the Commissioners' Court of Bexar County control of all roads, bridges, drains, ditches, culverts and all works incident to same; authorizing the employment of all necessary labor, teams, wagons and clerical help, and providing payment therefor; providing for road or ditch crossing wherever necessary, and the acquiring of land for same; authorizing the appointment of a county highway engineer, road superintendents and assistant engineers and other assistants, regulating the working of convicts, exempting all persons from road work and abolishing the office of road overseer, defining the word 'road,' repealing all laws and parts of laws in conflict herewith, and declaring an emergency, and expressly amending Section 17 thereof, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed, was adopted, and it was passed to third reading.

H. B. No. 171 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 171, A bill to be entitled "An Act to restore and confer upon the County Court of Sutton County the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 64 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 64, A bill to be entitled "An Act to regulate the organization of the County Courts of Dallas County at Law, and judges thereof, and to secure uniformity therein, by

prescribing that the County Court of Dallas County at Law shall be called the County Court of Dallas County at Law No. 1; by fixing an equal number of terms of said courts, and prescribing that they commence on alternate months to authorize the judges thereof to hold court for or with another; to prescribe a uniform qualification for the judges; prescribe what fees they shall collect and how they shall be paid into the county treasury; to require the oath of office, and remove the requirement of official bonds for judges; to continue the term of the County Court of Dallas County No. 2; to conform to this Act; to validate process thereof and of the County Court of Dallas County at Law, in conformity with this Act; to repeal laws in conflict therewith, and to declare an emergency."

The bill was read second time, and it was passed to third reading.

Simple Resolution No. 63.

By Senator Bledsoe:

Whereas, The Hon. Charles G. Thomas, former Speaker of the House of Representatives, is now in the city and having heretofore rendered distinguished service to the State, he is entitled to the privilege of the floor of the Senate while here; therefore, be it

Resolved, That the Hon. Charles G. Thomas be extended the courtesy of the floor while in the city, and that he be invited to address the Senate.

BLEDSOE,
WOOD,
WITT,
RICE.

The resolution was read and adopted.

The Chair appointed Senators Bailey, Wood and Rice as a committee to escort Mr. Thomas to the President's stand, and, after being presented by the Chair, he addressed the Senate.

H. B. No. 13—Passage to Third Reading.

The Chair laid before the Senate on its passage to third reading and as special order, H. B. No. 13, relating to employment agencies.

Senator Stuart offered the following amendment to the bill:

Amend H. B. No. 13, page 2, by striking out all the words after the word "State" in line 8 down to and including the word "employment" in line 11, and insert in lieu thereof the following: "nor to any person, firm, partnership, association of persons or corporation or any officer or employee thereof engaged in obtaining or soliciting help for him, them or it when no fees are charged directly or indirectly of the applicant for help, or from the applicant for employment."

The amendment was adopted.

Senator Bailey offered the following amendment to the bill:

Amend the bill by striking out in line 21, page 3 of the printed bill the words and figures one hundred and fifty dollars (\$150.00) and inserting in lieu thereof the words and figures one hundred dollars (\$100.00).

Senator Stuart moved to table the amendment, and the motion to table was lost.

Yeas and nays were demanded and the amendment was lost by the following vote:

Yeas—11.

Bailey.	Holbrook.
Bowers.	Strong.
Cousins.	Thomas.
Darwin.	Watts.
Davis.	Woods.
Doyle.	

Nays—18.

Baugh.	Pollard.
Bledsoe.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Fairchild.	Stuart.
Lewis.	Turner.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.

Absent—Excused.

Dudley. Floyd.

Senator Bailey offered the following amendment to the bill:

Amend the bill by striking out in line 26 on page 3 of the printed bill the words and figures "five thousand dollars (\$5,000.00)" and insert in lieu thereof the words and figures "fifteen hundred dollars (\$1,500.00)."

Senator Stuart moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Bledsoe.	Ridgeway.
Burkett.	Rogers.
Clark.	Stuart.
Fairchild.	Thomas.
McMillin.	Turner.
Murphy.	Witt.
Parr.	Wood.
Pollard.	

Nays—14.

Bailey.	Holbrook.
Baugh.	Lewis.
Bowers.	Rice.
Cousins.	Strong.
Darwin.	Watts.
Davis.	Wirtz.
Doyle.	Woods.

Absent—Excused.

Dudley. Floyd.

Senator Stuart offered the following amendment to the bill:

Amend H. B. 13 as follows: Strike out the words "or in Travis County" in line 10, of page 4.

The amendment was adopted.

Senator Davis offered the following amendment to the bill:

Amend H. B. No. 13 as amended by striking out all after the enacting clause down to but excluding Section 26 on page 11.

(Lieutenant Governor Davidson in the Chair.)

On motion of Senator Stuart, the amendment was tabled.

Yeas and nays were demanded, and H. B. No. 13 was passed to third reading by the following vote:

Yeas—19.

Burkett.	Rice.
Clark.	Ridgeway.
Darwin.	Rogers.
Fairchild.	Strong.
Holbrook.	Stuart.
Lewis.	Thomas.
McMillin.	Turner.
Murphy.	Witt.
Parr.	Wood.
Pollard.	

Nays—10.

Bailey.	Davis.
Baugh.	Doyle.
Bledsoe.	Watts.
Bowers.	Wirtz.
Cousins.	Woods.

Absent—Excused.

Dudley. Floyd.

H. B. No. 131 on Passage to Third Reading.

The Chair laid before the Senate on its passage to third reading, as special order, H. B. No. 131, relating to investment of the income from the University lands, etc.

With amendment by Senator McMillin pending.

Senator Darwin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—20.

Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Turner.
Doyle.	Watts.
Holbrook.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.

Nays—8.

Baugh.	Lewis.
Bledsoe.	McMillin.
Clark.	Rice.
Fairchild.	Thomas.

Absent—Excused.

Floyd.

(Pair Recorded.)

Senator Bailey (present), who would vote nay; with Senator Dudley (absent), who would vote yea.

H. B. No. 131 was passed to third reading.

S. B. No. 135 on Engrossment.

Senator Wood, by unanimous consent, called up S. B. No. 135, relating to deficiencies in the conduct of the State Government, which was read the second time on February 12 and laid on the table subject to call.

The Chair laid the bill before the Senate, and it was passed to engrossment.

S. B. No. 173 on Engrossment.

Senator Strong, by unanimous consent, called up S. B. No. 173, relating to manufacture of carbon black, etc., which was read the second time

on February 12, and laid on the table subject to call.

The Chair laid the bill before the Senate, and it was passed to engrossment.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 14, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 45, A bill to be entitled "An Act to amend Article 6938 of the Revised Statutes of 1911, so as to require the marking of highway intersections and authorizing commissioners' courts to have same marked by advertising concerns, prescribing a penalty, and declaring an emergency."

S. B. No. 62, A bill to be entitled "An Act to amend Title 68, Chapter 3, Revised Statutes of 1911, by adding thereto Article 4592a, defining self-rising flour, and the ingredients thereof, prescribing the weight of available carbon dioxide gas, and the percentage of chemical leavening ingredients, providing that the package or container in which it is sold shall be labeled in plain letters in the English language, stating the percentage by weight of each of the acid ingredients, fixing a penalty, and declaring an emergency," with amendments.

S. B. No. 99, A bill to be entitled "An Act to validate, ratify and confirm unto Michael B. Menard, his heirs and assigns the title to the Michael B. Menard one league survey of land located in San Jacinto County, Texas, as described in the field notes thereof made by Arthur Henrie, surveyor, on the 2nd day of June, 1835, and now on file in the General Land Office of the State of Texas, and as delineated on the official land map of the General Land Office of the State for lands located in said San Jacinto County, and declaring an emergency."

S. B. No. 105, A bill to be entitled "An Act to amend Section 2 of Chapter 15 of the General Laws of the State of Texas, being Senate Bill No. 4 of the Acts of the Thirty-first Legislature, passed at its Second Called Session in 1909, and being Article No. 466, Vernon's Sayles' Revised Statutes of the State of Texas, providing for the creation of a State

banking board, fixing the number of members thereof, and defining the duties and powers of said board, and declaring an emergency," with amendments.

S. B. No. 106, A bill to be entitled "An Act to repeal Article 473 of the Revised Statutes of Texas, being a part of Section 9, Chapter 15 of the General Laws of the State of Texas, passed by the Thirty-first Legislature in its Regular Session in 1909, and being Senate Bill No. 4, said Article 473 being that portion of Section 9, Chapter 15 of the General Laws of the State of Texas passed by the Thirty-first Legislature at its Regular Session in 1909, reading as follows: Whenever any such State bank of whose property and business the Commissioner has taken possession as aforesaid, deems itself aggrieved thereby, it may at any time apply to the district court, if in session, or to the judge thereof, if in vacation, of the district in which such bank is located and transacting business, to enjoin further proceedings, and said court, if in session, or the judge thereof, if in vacation, after citing the Commissioner to show cause why further proceedings should not be enjoined, and bearing the allegations and proofs of the parties and determining the facts, may upon the merits dismiss such application or enjoin the Commissioner from further proceedings, and direct him to surrender such business and property to such State bank; and declaring an emergency."

S. B. No. 108, A bill to be entitled "An Act to amend Section 10 of Chapter 15, being Senate Bill No. 4 of the Acts of the Thirty-first Legislature of the State of Texas, passed at its Second Called Session in 1909, being Article 486, Vernon's Sayles' Revised Statutes of the State of Texas, providing that the Banking Commissioner of Texas may take possession of any bank or trust company under the provisions of the bank deposit guaranty law of the State of Texas, and providing that the depositors of said bank or trust company in Article 448 Vernon's Sayles' Revised Statutes of the State of Texas, shall be paid in full out of the cash in said bank or bank and trust company that can be made immediately available from such bank and the remainder shall be paid out of the depositors guaranty fund through the said board in the event of the cash

available in said institution shall be insufficient and providing that only non-interest bearing and unsecured deposits shall be protected under the guaranty fund; defining public funds; providing that no deposit of public funds shall be protected under the guaranty fund or the bond security plan; that cashiers' checks, bank drafts or exchange issued by State banks or State bank and trust companies shall not be protected under the guaranty fund or the bond security plan, and providing that no unmatured interest bearing certificates of deposit or any other kind of interest bearing deposit that shall have been changed to a non-interest bearing and unsecured deposit within ninety days prior to that of the State bank by the Banking Commissioner of Texas shall be protected by the guaranty fund and that no deposit made by a creditor for the purpose of converting a loan held against a debtor bank into a non-interest bearing and unsecured deposit shall be protected by the guaranty fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency," with amendments.

S. B. No. 109, A bill to be entitled "An Act to amend Section 31 of Chapter 15, being Senate Bill No. 4 of the Acts of the Thirty-first Legislature of the State of Texas, passed at its Second Called Session in 1909, and being Article No. 515, Vernon's Sayles' Revised Statutes of the State of Texas, and Article 522 of the Penal Code of the State of Texas, providing that all State banks or State banks and trust companies provided for in said Act shall have the right to use any truthful method of advertising, prohibiting the use of any untruthful statements of advertising as to the Guaranty Fund System of the State of Texas, empowering the Banking Commissioner to enforce this law, fixing penalties for its violation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 110, A bill to be entitled "An Act to amend Section 5 of Chapter 10, Senate Bill No. 6, as passed by the Twenty-ninth Legislature of the State of Texas in 1905, being Articles 375 of Title 14, Vernon's Sayles' Revised Statutes of the State of Texas providing for the amount of capital stock of State banks or State bank and trust companies that may be hereafter organized under

Title 14, of the Revised Statutes of the State of Texas, or under the General Laws of the State of Texas, repealing all laws and parts of laws in conflict herewith, and declaring an emergency," with amendments.

S. B. No. 127, A bill to be entitled "An Act to amend Section 1 of Chapter 8 of the General Laws passed at the Regular Session of the Thirty-fourth Legislature, reorganizing the Thirteenth Judicial District of Texas; providing for terms of court and the organization of juries, and declaring an emergency."

S. B. No. 130, A bill to be entitled "An Act to amend Sections 3 and 4 of Chapter 8 of the General Laws of the Thirty-fourth Legislature, approved February 12, 1915, which is entitled: "An Act to reorganize the Thirteenth Judicial District of Texas, and to create the Seventy-seventh Judicial District; and to fix the time of holding courts in said districts; and to provide for organizing grand juries at certain terms in said courts; and to provide for the appointment of a judge of the Seventy-seventh Judicial District; and to continue in office the judge of the Thirteenth Judicial District; the office of district attorney for the Thirteenth Judicial District is hereby abolished and the county attorney of said county shall perform the duties of said district attorney, and district attorney for said district, as district attorney of said Seventy-seventh Judicial District, and the clerks of the district courts in the several counties of said districts; and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency," so as to read as follows, and declaring an emergency."

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor T. W. Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 45.
S. B. No. 99.
S. B. No. 127.
S. B. No. 106.
S. B. No. 109.
S. B. No. 130.

Motion to Add to Committee.

Senator Strong moved to add the names of Senators Rogers and Clark to the Committee on Nominations of the Governor.

On motion of Senator Rogers, the motion was tabled.

Adjournment.

On motion of Senator Bailey, the Senate at 4:50 p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Petitions and Memorials.

Senator Pollard offered and had read a petition numerously signed by Quitman, Wood County, citizens, urging passage of measures endorsed by Farm Labor Conference, also urging repeal of open port law.

Senator Wirtz sent up for reading, a petition from Caldwell County citizens, opposing any change in the present game laws of the State.

Senator Doyle offered and had read a petition numerously signed by Coolidge, Limestone County, citizens, protesting against the passage of the Cousins Medical Practice Bill, and urging support of Chiropractic Board Measure.

Senator Doyle offered, also, numerously signed petitions from Mexia and other Limestone County points, opposing pending oil and income tax measures.

Committee Reports.

Senate Chamber,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 33 carefully compared and find same to be correctly engrossed.
DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of the Senate.
Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 101 carefully compared and find same to be correctly engrossed.
DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on
Engrossed Bills, have had Senate
Bill No. 298 carefully compared and
find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on
State Institutions and Departments,
to whom was referred

S. B. No. 192, A bill to be entitled
"An Act to amend S. B. No. 264,
Chapter 74, of the Laws of the Regu-
lar Session of 1921, which Act amend-
ed Article 6278, Chapter 2, of Title
105, of the Revised Statutes of Tex-
as, which article shall hereafter read
as follows."

Have had the same under consid-
eration, and I am instructed by the
committee to report the same back
to the Senate with the recommenda-
tion that it do pass.

McMILLIN, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on
State Institutions and Departments,
to whom was referred

S. B. No. 321, A bill to be entitled
"An Act providing for the commit-
ting of feeble-minded persons to the
State Colony for the Feeble-minded;
giving to the county and district
courts jurisdiction to hear and de-
termine the status of feeble-minded
persons, and committing them to
such colony, to be known as "court
for the feeble-minded" when so sit-
ting; providing the procedure in
such cases; defining the powers and
duties of the County Attorney and
other officers; defining the powers
and duties of such colony and its
management and superintendent in
relation to the custody and the pre-
servation and retaining thereof of
such person committed or admitted
thereto; prescribing the duties of
peace officers in regard thereto;
making such persons wards of the
State; making it a felony to entice,
remove, abduct or kidnap a patient

from such colony, or to assist such
to escape, or to conceal a person who
has escaped, or been enticed, abduct-
ed or kidnapped therefrom, and pre-
scribing a penalty therefor; and de-
claring an emergency."

Have had the same under consid-
eration, and I am instructed by the
committee to report the same back
to the Senate with the recommenda-
tion that it do pass.

McMILLIN, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on
Departments and Institutions, to
whom was referred House Concur-
rent Resolution No. 6, have had the
same under consideration, and I am
instructed by the committee to re-
port the same back to the Senate
with the recommendation that it do
not pass.

McMILLIN, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on
Insurance and Banking, to whom
was referred

S. B. No. 301, A bill to be entitled
"An Act requiring the State Insur-
ance Commission to make, establish
and promulgate classification of haz-
ards and rates of premium under the
Workmen's Compensation Law of
this State and to prescribe standard
workmen's compensation policy
forms; requiring all companies and
associations writing workmen's com-
pensation insurance to use the classi-
fications, rates, and policy forms es-
tablished, promulgated, and pre-
scribed by the commission; provid-
ing for the use of classifications,
rates, and forms now on file with
and approved by the Commission of
Insurance until classifications, rates,
and policy forms have been made and
prescribed by the commission; re-
quiring the commission to assemble
data for use in establishing classi-
fications and rates, and requiring the
Commissioner of Insurance to deliver
to the commission all data under his
control now used in establishing
classification, rates, and policy forms;
authorizing and empowering the

commission to require sworn statements from insurance companies and associations containing statistical data, and requiring the commission to describe necessary forms for such statements; fixing the manner in which the commission shall determine hazards and describing the kind and character of rates; which shall be fixed and providing what data shall be taken into consideration by the commission in fixing the rates; providing for hearings before the commission and the manner in which the same shall be conducted; requiring the use of uniform policies for workmen's compensation insurance but allowing any company or association to use any form of endorsement appropriate to its plan of operation providing the same shall diminish its liability to pay the compensation provided for in the workmen's compensation law; providing that no company or association shall be prohibited from writing workmen's compensation insurance on the mutual reciprocal or Lloyds plan, and that no stock company or other company or association shall be prohibited from sharing profits of policy holders but providing that no dividends to policy holders shall take effect until approved by the commission fixing the salaries of the members of the commission hereunder and providing for expenditures to meet expenses hereunder, and fixing for the annual assessment and collections of a tax on premium for workmen's insurance policies to defray the salaries and expenses of the commission hereunder and providing that any unexpended balance shall be transferred to the general revenue of the State; empowering the commission to make and enforce reasonable rules and regulations; negating the application hereto of any provisions creating the State Insurance Commission; defining the words "company" and "association," repealing section A and 17 of part 111 and part of Section 2 of part IV of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature, known as the Workmen's Compensation Law and all other sections or parts of sections of said law and all other laws or parts of laws in conflict herewith or with any provisions hereof; providing that if any part of this Act be held

unconstitutional it shall not affect any other part of this Act; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that said bill with the following committee amendment do pass.

Committee amendment to Section 8 of S. B. No. 301:

Amend Section 8 of Senate Bill 301 by adding after the word "State" in the last line of said Section the following:

"Provided such endorsement shall be first approved by the Commission."

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 256, A bill to be entitled "An Act creating an Educational Survey Commission to make a thorough survey of the public educational system of the State; providing for its selection by a survey committee, designated in this Act; designating the number of members of said Educational Survey Commission, providing for its organization, and prescribing the qualifications of a majority of the members thereof; providing for a complete report of the findings of and recommendations of the Educational Survey Commission to be made to the Governor and Legislature by December 1, 1924; providing for the employment by the Educational Survey Commission of a survey director and staff of assistants to make a survey of the school system of the State; providing that the Educational Survey Commission and its employees shall have access to all public records and providing a penalty for the violation of this provision of this Act; appropriating the sum of \$50,000.00 (fifty thousand dollars) or as much thereof as may be necessary to defray the expenses of the proposed educational survey and prescribing the manner of its disbursement; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the

recommendation that it do pass with committee amendments.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 248, A bill to be entitled "An Act to amend the Camp Wood Independent School District in Real, Edwards and Uvalde counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges, and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 427, A bill to be entitled "An Act to create the Barksdale Independent School District in Edwards and Real counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 326, A bill to be entitled "An Act governing the issuance of teachers' certificates in the teacher training course of the Dallas Public Schools."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 313, A bill to be entitled "An Act to amend Chapter Ten (10) of Title Forty-eight (48) of the Revised Civil Statutes of 1911, relating to the powers and duties of the State Board of Education with reference to the purchase of bonds for the account of the State permanent school fund by adding said chapter immediately after Article 2740, a new article to be known as Article 2740-A and validating the purchase of bonds by the State Board of Education purchased on deferred payments of the purchase price as of the time of the respective payments on the purchase price of such bonds, and prescribing certain duties of the State Board of Education, the State Treasurer and the State Comptroller of Public Accounts with reference to allowing credits on certain interest coupons attached to said bonds by reason of deferred payments of the purchase price thereof and limiting the validation of said purchase contract to all bonds purchased on deferred credit since January 1, 1921; providing for adjustment and return of moneys advanced by the State as compensation for accrued interest on said bonds prior to the date of said purchase, and declaring an emergency."

Have had the same under consideration, and I am instructed by the

committee to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 316, A bill to be entitled "An Act making an appropriation of the unexpended balance of the American Legion Memorial Sanatorium appropriation; and appropriating for said sanatorium the amount received from the American Legion and Benevolent War Risk Society with authority to use said amount for the sanatorium and to redeem any pledges or obligations to the donors of same in connection with said sanatorium; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass.

WOOD, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 22, A bill to be entitled "An Act to appropriate sum of \$115,000.00 or so much thereof as necessary to pay the judgment of Houston National Exchange Bank vs. Prison Commission et al, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 218, A bill to be entitled "An Act to authorize the commissioners court of the various counties of the State of Texas to employ one or more nurses for the purpose of assisting in the promotion of public health and visiting and inspecting

the pupils of the public schools and to appropriate public funds in payment thereof."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the following committee amendment:

Amend S. B. No. 218 by adding Section 4, which shall read as follows:

"Section 4. Provided that the commissioners court of any county shall not exercise the powers and authority conferred by this Act, unless first authorized by vote of the qualified tax paying electors of the county at an election held for such purpose."

CLARK, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 212, A bill to be entitled "An Act creating a board to be known as the 'State Board of Waterworks Examiners,' and defining its personnel, their term of office, duties and powers; defining waterworks operators, and authorizing said board to examine and issue licenses to waterworks operators, and to revoke same for good cause shown; fixing the fees to be paid by such licensees, and creating of same a special fund in the State Treasury; providing that the salaries and expenses of the board shall be paid out of said fund and no other; directing said board to issue licenses without examination to all persons engaged as waterworks operators on September 1st, 1923, making it a misdemeanor after July 1st, 1924, to practice as a waterworks operator without such license, fixing the penalty therefor, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the following committee amendments:

Amendment No. 1.

Amend S. B. No. 212 by omitting all of Section 1, and inserting in lieu thereof the following:

Section 1. There is hereby established and created a board of examiners to be known as the State Board of Waterworks Examiners. This

board shall consist of three members, one of whom shall be the State Sanitary Engineer; one, a professor in a State institution of higher learning, who has devoted special attention to water analysis and purification; and one, a filter plant operator of not less than five years experience in filter plant operation. The last two members of this board shall be appointed by the State Board of Health. The term of office of each appointive member of the board shall be for a period of two years. The term of office of the other member, namely, the State Sanitary Engineer, shall be for his tenure of office.

Amendment No. 2.

Amend Section 4, Article 3, omitting all of this section and inserting in lieu thereof the following:

To organize and elect at the first meeting of the board a president and secretary from among the number of said board.

Amendment No. 3.

Amend Section 9, by omitting all of this section and inserting in lieu thereof the following:

That all expenses of this board, incurred in the pursuance of its duties, shall be paid from fees received under the provisions of this Act; providing, however, that no per diem shall be allowed any member of said board. All moneys received by the secretary for fees shall be deposited in the State Treasury, as a special fund, to be drawn on only by this board. All moneys paid out by this board shall be upon warrant drawn by the State Comptroller of Public Accounts on vouchers approved by the president of the board.

CLARK, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 309, A bill to be entitled "An Act to amend Rule 3 of Section 10, Chapter 95 of the General Laws, passed at the Regular Session of the Thirty-second Legislature, defining the phrase 'contagious diseases'; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CLARK, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 87, A bill to be entitled "An Act amending Articles 5738, 5739 and 5741, Chapter 1, Title 90, Revised Civil Statutes, relating to and regulating the practice of medicine; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CLARK, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 13, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 303, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the examination and registration of persons desiring to practice chiropody and the issuance of license therefor; providing for the creation of the State Board of Chiropody Examiners; prescribing fees that may be charged for registration; making it unlawful for any person not licensed under the law of this Act to practice chiropody; providing for the registration of persons who have been engaged in the practice of chiropody in other States; for the revocation of licenses granted by the State Board of Chiropody Examiners for the State of Texas; prescribing fees to be charged by the State Board of Chiropody Examiners; defining offenses and prescribing penalties therefor, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CLARK, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 13, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Public Health, to whom was referred S. B. No. 303, have had same under consideration and beg leave to

report same back to the Senate with the recommendation that it do not pass.

BLEDSON.
WIRTZ.

Committee Room,

Austin, Texas, Feb. 14, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 310, A bill to be entitled "An Act to amend Sections 5 and 15 of Chapter 58, General Laws, passed at the Second Called Session of the Thirty-sixth Legislature, relating to and regulating the practice of veterinary medicine and veterinary surgery in this State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 295, A bill to be entitled "An Act to amend Section 72 of Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature, providing for the election of directors of water improvement districts, and that in certain specified districts such directors shall be appointed by the County Commissioners' Court, such districts being those which contain not to exceed twelve thousand acres of land, and in which sixty per cent or more of the lands are owned by persons residing outside of the district. Providing time of appointment of such directors, and that petitions may be filed with said court by the land owners asking for appointment of certain persons as directors, declaring an emergency."

Have had same under consideration, and I am instructed to report it back with the recommendation that it do pass.

BLEDSON, Chairman.

TWENTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas.

Thursday, February 15, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bledson.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Dudley. Lewis.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Excused.

Senator Lewis for today, on account of important business, on motion of Senator McMillin.

Bills and Resolutions.

By Senator Davis..

S. B. No. 335, A bill to be entitled "An Act creating additional and adequate courts for Dallas County, defining their jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the duties of the district clerk with respect thereto, repealing all laws in conflict therewith and creating an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Doyle.

S. B. No. 336, A bill to be entitled "An Act to abolish the Department of Agriculture and the office of Com-